



PUBLIC NOTICE

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ENFORCEMENT BUREAU FIELD OFFICES LIST OF NOTICES OF APPARENT LIABILITY ISSUED

The following is a list of Notices of Apparent Liability ("NALs") issued by the Enforcement Bureau's Field Offices in December 2002. The Field Offices issued 24 NALs in amounts totaling \$210,500 for violations of the Communications Act of 1934, as amended, 47 U.S.C. § 151, *et. seq.*, and/or the FCC's rules. As detailed below, of the 24 NALs issued, 16 involved violations of the Commission's safety-related rules (*e.g.*, Emergency Alert System, antenna structure registration, painting and lighting, AM fencing requirements and cable signal leakage). The Commission cautions licensees and antenna structure owners that the Commission takes compliance with these rules seriously. Failure to comply with these rules may result in significant enforcement action.

This list is provided for information purposes only and does not provide parties with additional rights. Parties wishing to make a payment or file a response to an NAL must do so in accordance with the instructions and by the deadline set forth in the NAL.

Communications Act

- **47 U.S.C. § 301 – Unauthorized Operation**
 - ***Gabriel Dorcelly, Orange Park, FL. \$10,000.*** Tampa, FL District Office (12/2/02).
 - ***Arnold Broadcasting Company, Inc., KNEC(FM), Yuma, CO. \$12,000 NAL.*** Other violation: 47 C.F.R. § 11.61 (Tests of EAS Procedures). Denver, CO District Office (12/4/02).
 - ***Thomas J. Massett, Jacksonville, FL. \$10,000 NAL.*** Tampa, FL District Office (12/11/02).
 - ***Blue Ridge Erectors, Inc., Bangor, PA. \$5,000 NAL.*** New York, NY District Office (12/27/02).
 - ***J Transport, Inc. \$10,000 NAL.*** New York, NY District Office (12/27/02).
 - ***Robert A. Spiry, Tacoma, WA. \$10,000 NAL.*** Seattle, WA District Office (12/30/02).
- **47 U.S.C. § 303(n) – Failure to Allow Inspections**

- **William A. Woods, Tacoma, WA. \$7,000 NAL.** Other violation: 47 C.F.R. § 95.426 ((CB Rule 26) Do I Have To Make My Station Available For Inspection?). Seattle, WA District Office (12/30/02).

47 C.F.R. Part 1 – Practice and Procedure

- **47 C.F.R. § 1.89 – Response to Notice of Violation**
 - **Melodynamic Broadcasting Corporation, WCER, Canton, OH. \$11,000 NAL.** Other violations: 47 C.F.R. §§ 11.15 (EAS Operating Handbook), 73.51 (Determining Operating Power), 73.1225 (Station Inspection by FCC), 73.1350 (Transmission System Operation), 73.1560 (Operating Power and Mode Tolerances), 73.1745 (Unauthorized Operation) and 73.1870 (Chief Operator). Detroit, MI District Office (12/30/02).
- **47 C.F.R. § 1.903 – Authorization Required**
 - **Horizon Communications, Cliffside Park, NJ. \$10,000 NAL.** Other violation: 47 C.F.R. § 90.425 (Station Identification). Philadelphia, PA District Office (12/5/02).

47 C.F.R. Part 11 – Emergency Alert System (EAS) Rules

- **47 C.F.R. § 11.35 – Equipment Operational Readiness**
 - **Minority Business and Housing Development, Inc., WYGG, Uniondale, NY. \$13,000 NAL.** Other violation: 47 C.F.R. § 73.1350 (Transmission System Operation). Philadelphia, PA District Office (12/30/02).
- **47 C.F.R. § 11.52 -- EAS Code and Attention Signal Monitoring Requirements**
 - **MRJ, Inc., Pineville, WV. \$22,000 NAL.** Other violations: 47 C.F.R. §§ 17.4 (Antenna Structure Registration), 73.49 (AM Transmission Fencing Requirements) and 73.3526 (Local Public Inspection File for Commercial Stations). Columbia, MD District Office (12/26/02).
- **47 C.F.R. § 11.61 – Tests of EAS Procedures**
 - **Radio Station WWAM, Inc., WWAM(AM), Lakeland, FL. \$2,000 NAL.** Tampa, FL District Office (12/9/02).
 - **Petracom of Joplin, L.L.C., KCAR-FM, Lutz, FL. \$3,500 NAL.** Other violation: 47 C.F.R. § 73.3526 (Local Public Inspection File for Commercial Stations). Kansas City, MO District Office (12/12/02)
 - **Cablevision Systems of New York City Corporation. \$3,000 NAL.** New York, NY District Office (12/30/02).

47 C.F.R. Part 17 – Construction, Marking and Lighting of Antenna Structures

- **47 C.F.R. § 17.4(g) – Posting of Antenna Structure Registration Number**

- **Capstar Radio Operating Company, KIXW-AM, Apple Valley, CA. \$5,000 NAL.** Other violation: 47 C.F.R. § 17.57 (Report of Radio Transmitting Antenna Construction, Alteration, and/or Removal). Los Angeles, CA District Office (12/30/02).
- **Mountain Union Telecom, LLC, Dozier, CA. \$5,000 NAL.** Other violation: 47 C.F.R. § 17.57 (Report of Radio Transmitting Antenna Construction, Alteration, and/or Removal). San Francisco, CA District Office (12/31/02).
- 47 C.F.R. § 17.50 – Cleaning and Repainting
 - **SBA Towers, Inc., Boca Raton, FL. \$10,000 NAL.** Kansas City, MO District Office (12/2/02).
 - **Hoffman Communications, Incorporated, Chester, VA. \$10,000 NAL.** Norfolk, VA Resident Agent Office (12/5/02).
 - **Fun Media Group, Inc., Arab, AL. \$10,000 NAL.** Atlanta, GA District Office (12/6/02).
- 47 C.F.R. § 17.51 – Time When Lights Should Be Exhibited
 - **Wings Communications, Inc. DBA WELE Radio Ormond Beach, FL. \$10,000 NAL.** Tampa, FL District Office (12/2/02).

47 C.F.R. Part 73 – Radio Broadcast Services

- 47 C.F.R. § 73.49 – AM Transmission Fencing Requirements
 - **Greenwood Acres Baptist Church, KASO, Shreveport, LA. \$17,000 NAL.** Other violation: 47 C.F.R. § 73.3526 (Local Public Inspection File for Commercial Stations). New Orleans, LA District Office (12/5/02).
 - **Pilgrim Communicaions, Inc., KDMN(AM), Buena Vista, CO. \$7,000 NAL.** Denver, CO District Office (12/31/02).

47 C.F.R. Part 76 – Multichannel Video and Cable Television Service

- 47 C.F.R. § 76.605 – Technical Standards
 - **Small Town Communications Partner I LP, Nashville, TN. \$8,000 NAL.** Other violation: 47 C.F.R. § 76.611 (Cable Television Basic Signal Leakage Performance Criteria). Atlanta, GA District Office (12/6/02).
- 47 C.F.R. § 76.1700 – Records to be Maintained Locally By Cable System Operators
 - **Time Warner Cable, Bakersfield, CA. \$10,000 NAL.** Los Angeles, CA District Office (12/30/02).